

Department of Veterans Affairs

§ 21.1

LEAVES OF ABSENCE

21.8340 Leaves of absence.

SATISFACTORY CONDUCT AND COOPERATION

21.8360 Satisfactory conduct and cooperation.

TRANSPORTATION SERVICES

21.8370 Authorization of transportation services.

ADDITIONAL APPLICABLE REGULATIONS

21.8380 Additional applicable regulations.

DELEGATION OF AUTHORITY

21.8410 Delegation of authority.

Subparts N–O [Reserved]

Subpart P—Post-9/11 GI Bill

21.9500 Introduction.

DEFINITIONS

21.9505 Definitions.

CLAIMS AND APPLICATIONS

21.9510 Claims, VA's duty to assist, and time limits.

ELIGIBILITY

21.9520 Basic eligibility.
21.9525 Eligibility for increased and supplemental educational assistance.
21.9530 Eligibility time limit.
21.9535 Extended period of eligibility.

ENTITLEMENT

21.9550 Entitlement.
21.9555 Entitlement to supplemental educational assistance.
21.9560 Entitlement charges.

TRANSFER OF ENTITLEMENT TO BASIC
EDUCATIONAL ASSISTANCE TO DEPENDENTS
21.9570 Transfer of entitlement.

COUNSELING

21.9580 Counseling
21.9585 Travel expenses.

APPROVED PROGRAMS OF EDUCATION AND COURSES

21.9590 Approved programs of education and courses.
21.9600 Overcharges.

PAYMENTS—EDUCATIONAL ASSISTANCE

21.9620 Educational assistance.
21.9625 Beginning dates.
21.9630 Suspension or discontinuance of payments.
21.9635 Discontinuance dates.

21.9640 Rates of payment of educational assistance.
21.9645 Refund of basic contribution to chapter 30.
21.9650 Increase in educational assistance.
21.9655 Rates of supplemental educational assistance.
21.9660 Rural relocation benefit.
21.9665 Reimbursement for licensing or certification tests.
21.9670 Work-study allowance.
21.9675 Conditions that result in reduced rates or no payment.
21.9680 Certifications and release of payments.
21.9685 Tutorial assistance.
21.9690 Nonduplication of educational assistance.
21.9695 Overpayments.
21.9700 Yellow Ribbon Program.

PURSUIT OF COURSES

21.9710 Pursuit.
21.9715 Advance payment certification.
21.9720 Certification of enrollment.
21.9725 Progress and conduct.
21.9735 Other required reports.
21.9740 False, late, or missing reports.
21.9745 Reporting fee.

COURSE ASSESSMENT

21.9750 Course measurement.

APPROVAL OF PROGRAMS OF EDUCATION

21.9765 Program of education approval.

ADMINISTRATIVE

21.9770 Administrative.

Subpart A—Vocational Rehabilitation and Employment Under 38 U.S.C. Chapter 31

AUTHORITY: 38 U.S.C. 501(a), chs. 18, 31, and as noted in specific sections.

SOURCE: 49 FR 40814, Oct. 18, 1984, unless otherwise noted.

VOCATIONAL REHABILITATION OVERVIEW

§ 21.1 Training and rehabilitation for veterans with service-connected disabilities.

(a) *Purposes.* The purposes of this program are to provide to eligible veterans with compensable service-connected disabilities all services and assistance necessary to enable them to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable

§ 21.21

and to obtain and maintain suitable employment.

(Authority: 38 U.S.C. 3100)

(b) *Basic requirements.* Before a service-disabled veteran may receive training and rehabilitation services under Chapter 31, Title 38 U.S.C., three basic requirements must be met:

(1) The Department of Veterans Affairs must first find that the veteran has basic entitlement to services as prescribed by § 21.40.

(Authority: 38 U.S.C. 3102)

(2) The services necessary for training and rehabilitation must be identified by the Department of Veterans Affairs and the veteran.

(Authority: 38 U.S.C. 3106)

(3) An individual written plan must be developed by the Department of Veterans Affairs and the veteran describing the goals of the program and the means through which these goals will be achieved.

(Authority: 38 U.S.C. 3107)

[49 FR 40814, Oct. 18, 1984; 50 FR 9622, Mar. 11, 1985]

NONDUPLICATION

§ 21.21 Election of benefits under education programs administered by the Department of Veterans Affairs.

(a) *Election of benefits required.* A veteran must make an election of benefits among the programs of education administered by VA for which he or she may be eligible. A veteran who has basic entitlement to rehabilitation under chapter 31 and is also eligible for assistance under any of the other education programs administered by VA must make an election of benefits between chapter 31 and any other VA program of education for which he or she may be eligible. The veteran may reelect at any time if he or she is otherwise eligible. (See §§ 21.264 and 21.334.)

(Authority: 38 U.S.C. 1781(b))

(b) *Use of prior training in formulating a rehabilitation program.* If a veteran has pursued an educational or training program under an education program

38 CFR Ch. I (7–1–11 Edition)

listed in § 21.4020 of this part, the earlier program of education or special restorative training shall be utilized to the extent practicable.

(Authority: 38 U.S.C. 3695(b))

[53 FR 880, Jan. 14, 1988, as amended at 57 FR 57108, Dec. 3, 1992]

§ 21.22 Nonduplication—Federal programs.

(a) *Allowances.* A service-disabled veteran who is eligible for benefits under Chapter 31, may not receive a subsistence allowance or elect payment of an allowance at the educational assistance rate under Chapter 30 pursuant to § 21.264 if the veteran:

(1) Is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health and Human Services in the case of the Public Health Service), or

(2) Is attending a course of education or training paid for under Chapter 41, Title 5 U.S.C. and whose full salary is being paid to such veteran while so training.

(Authority: 38 U.S.C. 3681; Pub. L. 98–525)

(b) *Services which may be authorized.* A service-disabled veteran who is in one of the two categories defined in paragraph (a) of this section is entitled to receive all benefits, other than an allowance, to which he or she is otherwise entitled under Chapter 31, including:

(1) Payment of any tuition and fees not paid for by the Armed Forces.

(2) The cost of special services, such as reader services, tutorial assistance, and special equipment during the period of such training.

(Authority: 38 U.S.C. 3681)

[49 FR 40814, Oct. 18, 1984, as amended at 54 FR 4283, Jan. 30, 1989; 57 FR 57108, Dec. 3, 1992]

CLAIMS

§ 21.30 Claims.

A specific claim in the form prescribed by the Department of Veterans Affairs must be filed for:

(a) A program of rehabilitation services, or